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C O U N C I L      C O M M U N I C A T I O N

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TO :     THE CITY COUNCIL  
FROM:    THE CITY MANAGER'S OFFICE

COUNCIL MEETING DATE  
AUGUST 17, 1988

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SUBJECT:   PRELIMINARY DISTRIBUTION OF HOLZ ESTATE

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PREPARED BY:                   City Attorney

BACKGROUND INFORMATION: Recently, the City received notice from Steven Crabtree, the attorney for the Holz estate, indicating that he believes it appropriate to make a preliminary distribution of the estate at this time, in order to allow the respective beneficiaries to expedite projects in progress. As indicated to the Council previously by letter from the City Attorney, it will be necessary for the Council adopt a Resolution accepting the bequest. The initial amount of the preliminary distribution will be \$2 million, which can be accomplished by Labor Day weekend. It will then take another 2 - 3 months to wrap up the balance of the estate, make a final accounting and distribute the remainder to the beneficiaries.

Respectfully submitted,



BOB McNATT  
City Attorney

BM:vc

CCHOLZ/TXTA.01V

MEMORANDUM

COPY

*City Attorney's Office Mailed  
Copies To Council*

RECEIVED

AUG 1 1988

ALICE M. REMORE  
CITY CLERK  
CITY OF LOS ANGELES

To: Honorable Mayor and Council Members  
From: Bob McNatt, City Attorney  
Date: August 1, 1988  
Re: Distribution of the Holz Estate

On August 1, 1988, I received a call from Steven Crabtree, the attorney representing the Trustee in the Holz Estate. Mr. Crabtree informed me that in order to assist the legatees under the Holz Will with their respective projects, a preliminary distribution of the estate will be approved, probably by the week of August 22 - 26, 1988. According to Mr. Crabtree, if the Council will adopt the attached Resolution accepting the bequest of the Holz estate, a preliminary distribution check in the amount of \$2 million will be presented to the City. He believes this can be done in time for Field and Fair Day.

It will be necessary for a final accounting to be made to the Superior Court before the balance of the bequest can be distributed and the estate closed out. In order to avoid making the beneficiaries wait for the additional 2 - 3 months Mr. Crabtree estimates it will take, he has proposed the partial distribution now, and a final distribution of the balance in October or November. It is estimated (without a degree of certainty) that the additional amount remaining to be distributed to the City will be approximately \$400,000.00.

At the same time the distribution is made to the City, a similar amount (minus previous preliminary distributions) will be made to the Loel Foundation.



Bob McNatt  
City Attorney

BM:vc

attachment

cc: Thomas A. Peterson, City Manager  
Charlene Lange, Community Center Director

HOLZ5/TXTA.01V

CITY COUNCIL

JAMES W. PINKERTON, Jr., Mayor

JOHN R. (Randy) SNIDER

Mayor Pro Tempore

DAVID M. HINCHMAN

EVELYN M. OLSON

FRED M. REID

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET

CALL BOX 3006

LODI, CALIFORNIA 95241-1910

(209) 331-5634

TELECOPIER : (209) 333-6795

THOMAS A. PETERSON

City Manager

ALICE M. REIMCHE

City Clerk

BOB McNATT

City Attorney

August 18, 1988

Mr. Steven D. Crabtree  
Neumiller and Beardslee  
P. O. Drawer 20  
Stockton, CA 95201

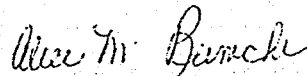
Re: Request of the late William G. Holz

Dear Mr. Crabtree:

Enclosed herewith please find a certified copy of Resolution No. 88-117, entitled "A Resolution of the Lodi City Council to Accept a Conditional Bequest of the Late William G. Holz to Build a Permanent Facility at Hutchins Street Square", which was adopted by the Lodi City Council at its regular meeting of August 17, 1988.

Should you have any questions, please do not hesitate to call this office.

Very truly yours,



Alice M. Reimche  
City Clerk

AMR:jj

Enc.

RESOLUTION NO. 88-117

A RESOLUTION OF THE LODI CITY COUNCIL  
TO ACCEPT A CONDITIONAL BEQUEST OF THE LATE WILLIAM G. HOLZ  
TO BUILD A PERMANENT FACILITY AT HUTCHINS STREET SQUARE

WHEREAS, the late William G. Holz devised one-half of the residue of his estate to the City of Lodi in the form of a conditional charitable bequest to be used to build a permanent building or facility at Hutchins Street Square in the nature of a community center, primarily for the use of the elderly of Lodi, California, in accordance with the Will of William G. Holz, dated April 7, 1982 ("Will") as amended by the First Codicil dated July 14, 1983 ("First Codicil"); and

WHEREAS, the Executor of the estate of William G. Holz desires to fulfill the bequest in accordance with the terms and conditions of the First Codicil to the Will by paying to the City of Lodi one-half of the residue of the estate provided that the City will use said funds exclusively for the purpose of building a permanent building or facility at Hutchins Street Square in the nature of a community center primarily for the use by the elderly; and

WHEREAS, the Lodi City Council may accept or reject any bequest made to the City and may hold and dispose of such property and the income and increase from such property for such uses as are prescribed in the terms of the bequest in accordance with Section 37354 of the California Government Code; and

WHEREAS, the City of Lodi does not currently have a permanent building or facility for the use of the elderly at Hutchins Street Square, Lodi, California; and

WHEREAS, the City of Lodi desires to accept the generous bequest of the late William G. Holz and to apply all money received from the bequest and any accumulated interest therefrom to build a permanent building or facility at Hutchins Street Square in the nature of a community center primarily for the use of the elderly in accordance with the terms prescribed in Paragraph Seventh set forth in the First Codicil to the Will;

NOW, THEREFORE, the City Council of the City of Lodi does resolve as follows:

Section 1. The City of Lodi certifies that a permanent building or facility for the use of the elderly at Hutchins Street Square, Lodi, California did not exist on decedent's death or does not currently exist.

Section 2. The City of Lodi hereby accepts the bequest of the late William G. Holz for one-half the residue of *his* estate and agrees to use all property received from said bequest exclusively to pay for the construction of a permanent building or facility at Hutchins Street

Square in the nature of a community center primarily for the use of the elderly in accordance with the terms of Paragraph Seventh set forth in the First Codicil to the Will.

Section 3. The City Manager is hereby authorized and directed to acknowledge and accept the bequest from William G. Holz on behalf of the City and to sign any document, receipt, or instrument necessary for the City to receive said bequest.

Section 4. The City Manager is hereby further authorized and directed to deposit all monies or other property received as part of the bequest from the estate of William G. Holz in a separate account established to pay for the construction of a permanent building or facility at Hutchins Street Square in the nature of a community center primarily for the use of the elderly.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Lodi, California, held on the 17th day of August, 1988.

CITY OF LODI, CALIFORNIA

By: 

JAMES W. PINKERTON  
MAYOR

ATTEST:

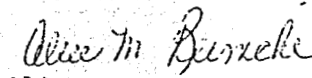
  
ALICE M. REIMCHE  
CITY CLERK

hereby certify that Resolution No. 88-117 was passed and adopted by the City Council of the City of Lodi in a regular meeting held August 17, 1988 by the following vote:

Ayes: Council Members - Hinchman, Olson, Reid, Snider  
and Pinkerton (Mayor)

Noes: Council Members - None

Absent: Council Member; - None

  
City Clerk

CITY COUNCIL

JAMES W. PINKERTON, Jr., Mayor  
JOHN R. (Randy) SNIDER  
Mayor Pro Tempore  
DAVID M. HINCHMAN  
EVELYN M. OLSON  
FRED M. REID

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
CALL BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 334-5634  
TELECOPIER: (209) 333-6795

THOMAS A. PETERSON  
City Manager

ALICE M. REIMCHE  
City Clerk

1988 AUG -9 10:40 AM

ALICE M. REIMCHE  
CITY CLERK  
CITY OF LODI  
August 9, 1988

Steven D. Crabtree  
Neumiller & Beardslee  
P. O. Drawer 20  
Stockton, CA 95201

Subject: Holz Estate: Preliminary Distribution

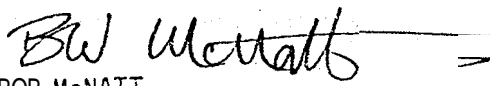
Dear Mr. Crabtree:

Pursuant to our telephone conversation of August 9, 1988, this letter will serve as a formal request for a preliminary distribution from the Holz estate to the City of Lodi in the amount of \$2 million.

As we also discussed, the Resolution which you provided, will be placed on the City Council agenda of August 17, 1988 for consideration and possible adoption. Assuming that the Council will act favorably on the Resolution, a certified copy will be forwarded to you immediately,

Please let me know if there is any further assistance I can offer.

Sincerely yours,

  
BOB McNATT  
CITY ATTORNEY

BM:vc

cc: Mayor and City Council  
City Manager  
City Clerk  
Community Center Director

HOLZ6/TXTA.01V